

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of )

The Development of Operational )  
Technical and Spectrum Requirements )  
for Meeting Federal, State and Local )  
Public Safety Agency Communication )  
Requirements Through the Year 2010 )

WT Docket No. 96-86

To: The Commission

**REPLY COMMENTS OF**

**MANUFACTURERS RADIO FREQUENCY ADVISORY COMMITTEE, INC.**

Manufacturers Radio Frequency Advisory Committee, Inc. ("MRFAC"), by its counsel, hereby submits these reply comments in the above-captioned proceeding.

**INTRODUCTION**

MRFAC is the entity certified by the Federal Communications Commission to coordinate private land mobile frequencies in the Manufacturers Radio Service under Part 90 of the Commission's Rules. MRFAC also serves as a representative trade association of the nation's manufacturers.

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MRFAC submits this pleading in reply to comments in support of the Public Safety Wireless Advisory Committee ("PSWAC") Final Report.<sup>1</sup> Among other things that Report proposes the reallocation of frequencies in the 148-174 and 450-470 MHz bands currently allocated for manufacturers and other Part 90 eligibles, in particular the allocation of "additional channels created through re-farming".<sup>2</sup> For the reasons stated below, the comments in support of this proposal are without merit; the Commission should look elsewhere for additional spectrum for public safety services.

#### **DISCUSSION**

1. The PSWAC recommendation is contrary to the purposes of re-farming and Telecom Act principles.

The PSWAC recommendation that the Commission allocate new channels created from the re-farming proceeding

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<sup>1</sup> See, e.g., Comments of the County of Los Angeles, WT Docket 96-86, filed October 21, 1996; Comments of the United States Department of Transportation, WT Docket No. 96-86, filed October 21, 1986.

<sup>2</sup> Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National telecommunications and Information Administration, September 11, 1996 at 61 (hereinafter PSWAC Report); id. at 60.

reflects misguided spectrum management policy and is inherently inequitable. New channels in private land mobile services will be created only when licensees purchase new, more expensive narrowband equipment. The ability to capture the benefit of the additional channels created by narrowband equipment is essential if the goals of the re-farming proceeding are to be achieved. Reallocating new channels to public safety would create a perverse disincentive to current licensees who would otherwise invest in new narrowband equipment. In such a case, the licensee who invests in new equipment is at a relative disadvantage to the user who maintains its 25 kHz system -- it would be making a substantial capital investment for the benefit of another user. As a result, the Commission would frustrate the very purpose of re-farming -- the creation of new channels.

PSWAC and its supporters are,<sup>3</sup> in effect, asking the private sector to subsidize new channel capacity for public purposes. Congress has had recent occasion to speak on the subject of subsidies. Specifically, in the

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<sup>3</sup> E.g., County of Los Angeles.

Telecommunications Act of 1996 (the "Telecom Act") Congress rejected reliance on the use of hidden subsidies to fund telecommunications services, no matter how laudable those services may be. The Telecom Act requires that support for particular services be made explicit so as not to distort market forces.<sup>4</sup>

By contrast, if frequencies created by private sector investment in narrowband equipment are appropriated for the public sector, the Commission would be sanctioning subsidization of public agencies by private sector licensees. If this occurs, the Commission would be promoting a policy objective that flies in the face of the philosophy embodied in the Telecom Act.

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<sup>4</sup> See 47 U.S.C. § 254 (1996); see also H.R. Rep. No. 104-458, 104th Cong., 2d Sess., 131 (1996) (stating "universal service support should be clearly identified, [and] should be made explicit"); In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket No. 95-185, FCC 96-325, 1996 WL 452885 at 1655 (released August 8, 1996) (stating "we have also established for the long-term the principle that prices for network elements, transport and termination, and collocation must be based on costs -- not hidden subsidies that distort market forces").

2. Manufacturers need the channels to be created by re-farming.

Manufacturing is vital to the economic well-being of the United States. When intermediate production is accounted for, manufacturing accounts for nearly one-third of total U.S. economic activity. It also creates jobs, positively influences the nation's balance of trade by the creation of export products, and supports critical research and development.

Private radio communications is critical to the ongoing success of all segments of the mobile work force, and in particular the manufacturing industry. Radio communications are used for a wide range of essential manufacturing services including inventory control, emergency medical communications, plant security, materials handling and production control. Further, worker safety is enhanced by the use of private radio communications. For example, employees whose jobs require them to work in isolated, potentially hazardous environments wear radios which automatically alert others in the event of an emergency. Private radio is also used for plant evacuation purposes. Thus, private land mobile radio channels are

vital to the manufacturing process and in particular to worker safety.

In recent years, the demand for land mobile radio spectrum has accelerated. In recognition of the fact that the demand for spectrum has already outstripped supply in major metropolitan areas, the Commission initiated the re-farming proceeding. The Commission recognized that additional frequencies -- especially in congested, urban areas -- would be necessary for private land mobile radio to accommodate this rapid growth. In addition, many new, emerging technologies can be used to enhance the efficiency and capability of private radio in manufacturing as well as other fields. These include services such as just-in-time delivery, automatic transmission of messages advising of impending parts shortages, vehicle and personnel tracking systems, remote safety and security inspection of inaccessible locations, automation of process and quality control functions, real-time monitoring, alerting and control in situations involving handling of hazardous materials, transmission of scheduling and cost updates, and wireless face-to-face conferences between in-house production and sales personnel. These technologies, however, require additional spectrum over and above what is

needed for traditional voice and data transmission. In the near future, the additional channels created by re-farming may only be sufficient to provide capacity for regular voice and data transmissions, but will not be sufficient to accommodate emerging technologies.

MRFAC understands that more spectrum is required in the public safety services.<sup>5</sup> However, by reallocating new channels from the private land mobile bands, the Commission would jeopardize current uses of the private radio bands, and would thwart technological advances designed to help American manufacturers stay ahead of their international competitors.

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<sup>5</sup> PSWAC Report at 3.

**CONCLUSION**

For the foregoing reasons, MRFAC opposes the  
reallocation of frequencies newly-created in the private  
land mobile bands for public safety agencies.

Respectfully submitted,

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